

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FULGENCIO RODRIGUEZ,

Plaintiff,

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/21/2020

19 CIVIL 643 (VEC) (JLC)

-against-

N.Y. STATE DEPT. OF PAROLE; SENIOR
PAROLE OFFICER S. ESTWICK; PAROLE
OFFICER ELVIS RAMOS; SHIELD #221;
N.Y. STATE DEPT. OF SOCIAL SERVICES,

Defendants.

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JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Opinion and Order dated January 17, 2020, the R&R is adopted to the extent that Plaintiff's Section 1983 claims are dismissed with prejudice, on the basis of qualified immunity; his ADA and Rehabilitation Act claims, if any, are dismissed with prejudice for failure to state a claim; his HCDA claim, if any, is dismissed without prejudice for lack of jurisdiction; his state law claims, if any, are dismissed without prejudice because the Court declines to exercise supplemental jurisdiction; leave to amend is denied as futile; Plaintiff's failure to file objection to the R&R operates as a waiver of appellate review because the R&R contained a notice that Plaintiff's failure to file objections within 14 days will preclude appellate review, informed Plaintiff of the possibility of an extension of time to file objections, and cited the relevant law governing objection and computation of time; accordingly, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and permission to proceed in forma pauperis is denied, and the case is closed.

DATED: New York, New York
January 21, 2020

RUBY J. KRAJICK

BY:

Clerk of Court

Deputy Clerk

THIS DOCUMENT WAS ENCL'D
ON THE DOCKET ON 11/21/2020